

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CONSTELLATION DESIGNS, LLC,

Plaintiff,

v.

LG ELECTRONICS, INC, LG
ELECTRONICS USA, INC., AND LG
ELECTRONICS ALABAMA, INC.

Defendants.

CIVIL ACTION NO. 2:21-cv-00448-JRG

JURY TRIAL DEMANDED

**CONSTELLATION DESIGNS, LLC’S UNOPPOSED MOTION TO CLARIFY, OR IN
THE ALTERNATIVE, FOR LEAVE TO FILE A 30-PAGE MOTION FOR SUMMARY
JUDGMENT TARGETING SUBJECT-MATTER ELIGIBILITY
OF ALL ASSERTED CLAIMS**

Civil Local Rule 7(a)(1) in this district provides that case dispositive motions shall not exceed thirty pages, unless leave of court is first obtained, while L.R. 7(a)(2) prescribes fifteen pages or less for all non-dispositive motions. L.R. 7(a)(2). It is Constellation Designs LLC’s (“Constellation”) understanding that its motion for summary judgment on LG’s ineligibility defense targeting all asserted claims falls within L.R. 7(a)(1) and may span up to thirty pages. Any other reading of the rule would create an asymmetry where the length of a brief on the issue of eligibility of all asserted claims would depend on which party filed the motion. And such motions exceeding fifteen pages are routinely filed before this Court. *See, e.g., Motion, Parus Holdings, Inc. v. Charles Schwab & Co.*, No. 2:21-cv-393 (E.D. Tex. Mar. 3, 2022), ECF No. 67; *Motion, USAA v. PNC Bank, N.A.*, No. 2:21-cv-246 (E.D. Tex. Jun. 7, 2022), ECF No. 129. However, out of an abundance of caution, Constellation files this motion to clarify or alternatively, for leave to file a 30-page summary judgment motion on eligibility. To the extent leave is necessary, it is

warranted here because Constellation's motion addresses subject matter eligibility of seven patents involving complex technology; LG has raised several ineligibility theories; and the legal standard for eligibility requires a multi-step, nuanced analysis, much of which is a matter of law the Court can resolve.

Accordingly, Constellation respectfully requests clarification, or in the alternative, leave to file a thirty-page eligibility-related summary-judgment motion. LG has indicated that it is unopposed to this Motion for Leave. If leave is granted, the briefing page limits as set forth by the Court under the Local Rules similarly afford LG the same number of pages (30) for its response, and Constellation will not exceed the total sixty-page limit for dispositive motions.

DATED: May 1, 2023

Respectfully submitted,

/s/ Jason D. Cassady
Bradley W. Caldwell
Texas State Bar No. 24040630
Email: bcaldwell@caldwellcc.com
Jason D. Cassady
Texas State Bar No. 24045625
Email: jcassady@caldwellcc.com
John Austin Curry
Texas State Bar No. 24059636
Email: acurry@caldwellcc.com
Daniel R. Pearson
Texas State Bar No. 24070398
Email: dpearson@caldwellc.com
R. Seth Reich
Texas State Bar No. 24088283
Email: sreich@caldwellcc.com
Alexander A. Waldrop
Texas State Bar No. 24102619
Email: awaldrop@caldwellcc.com
Adrienne R. Dellinger
Texas State Bar No. 24116275
Email: adellinger@caldwellcc.com
James F. Smith

Texas State Bar No. 24129800
Email: jsmith@caldwellcc.com
CALDWELL CASSADY CURRY P.C.
2121 N. Pearl St., Suite 1200
Dallas, Texas 75201
Telephone: (214) 888-4848
Facsimile: (214) 888-4849

Andrea L. Fair
Texas State Bar No. 24078488
WARD, SMITH, & HILL PLLC
1507 Bill Owens Parkway
Longview, Texas 75604
(903) 757-6400
(903) 757-2323 (fax)
andrea@wsfirm.com

**ATTORNEYS FOR PLAINTIFF
CONSTELLATION DESIGNS, LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served on all counsel of record via the Court's CM/ECF system on May 1, 2023.

/s/ Jason D. Cassady
Jason D. Cassady

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel for Constellation Designs conferred with counsel for LG and that the relief requested herein is unopposed.

/s/ Jason D. Cassady
Jason D. Cassady